

4249. Misbranding of "Dr. White's Specialty for Diphtheria." U. S. * * * v. 1 Gross of * * * "Dr. White's Specialty for Diphtheria." Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6578. I. S. No. 4202-k. S. No. E-299.)

On June 4, 1915, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information for the seizure and condemnation of one gross of a preparation called "Dr. White's Specialty for Diphtheria," remaining unsold in the original unbroken packages at Boston, Mass., alleging that the product had been shipped and transported from the State of Rhode Island into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act, as amended.

Misbranding of the article was alleged in the libel of information for the reason that said packages and the labels thereof bore and contained statements, designs, and devices regarding the curative and therapeutic effect of said drugs, that is to say, (on bottle), "* * * Specialty for Diphtheria * * * proved to be a panacea for this distressing disease. It is also an excellent remedy for coughs, colds, or any affection of the throat." (Wrapper:) "* * * Specialty for Diphtheria * * * proved to be a panacea for this distressing disease. It is also an excellent remedy for coughs, colds, or any affection of the throat. * * *" (Circular:) "* * * Specialty for Diphtheria. * * * thousands of cases have been treated by it with a greater percentage of cures than from all other remedies combined. * * * a specific for this terrible disease, Diphtheria. * * * many precious lives may be saved by its timely administration. * * *" "* * * Specialty for Diphtheria has no equal in all cases where a remedy for all throat affections is required. For bronchitis and all throat troubles your Specialty for Diphtheria has no equal * * * for all throat affections is required, your Specialty for Diphtheria has no equal. * * * Your Specialty for Diphtheria has no equal for bronchitis and all throat troubles. * * * Specialty for Diphtheria I find the best remedy for all throat and lung troubles, * * * colds, sore throat, or bronchial troubles * * * Dr. White's Specialty the best medicine in the world. * * * Have used your Specialty for colds and sore throat. Have never known it to fail. * * * nothing better for throat troubles than your Specialty for Diphtheria. * * * Specialty for Diphtheria is the best remedy for sore throat * * * Specialty for Diphtheria * * * just the medicine for cold, sore throat and bronchial troubles", which said statements, designs, and devices were false and fraudulent because said drugs had no such curative and therapeutic effect as set forth in said statements, designs, and devices.

On June 24, 1915, Belle R. White, Adamsville, R. I., claimant, having filed a satisfactory bond, in conformity with section 10 of the act, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings.

C. F. MARVIN, *Acting Secretary of Agriculture.*